

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re SHIRO ADAEDA et al.)	
)	
Application No. 09/778,338)	Appeal No. 2006-0859
)	
Filed: February 7, 2001)	
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ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for April 5, 2006. The notice setting the hearing was mailed to Applicants on February 23, 2006. The date Applicants received the notice is not apparent from the record. On March 28, 2006, a facsimile letter was received wherein Applicants requested that the oral hearing be adjourned. The request has been granted.

According to counsel, due to health concerns:

[He has] an appointment with the Surgeon tomorrow and it appears that surgery is extremely likely to prevent [his] attendance or even argue the cases over the telephone.

Counsel further requests that the hearing be postponed until such time that he will be able to personally attend.

For the reasons given above, it is:

Ordered that the request to reschedule the hearing to a date after April 5, 2006, is granted, and that a new date for the oral hearing will be sent to Applicants in due course.

The new date shall not exceed more than three (3) months from the date of the previously set hearing date. If counsel believes that his health would still not permit him to make an appearance by that time, consideration should be made to retaining an associate counsel to represent the Applicants at the Oral Hearing. No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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